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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,202	08/29/2003	Paul Meyer	533902000400	7624

7590 10/18/2006

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EXAMINER

FRISBY, KESHA

ART UNIT PAPER NUMBER

3714

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/651,202

Applicant(s)

MEYER ET AL.

Examiner

Kesha Frisby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

***After the amendment filed on 7/25/2006, claim 2 was amended and claims 1-16 are currently pending.***

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4 & 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (U.S. Publication Number 2002/0032576) in view of Toshiya (English Machine Translation of 2001-273375 A).**

With respect to claim 1, Abbott discloses a method comprising:

logging in an end-user via a device in communication with a distributed network (page 3, section [0049], "An authorized representative of a sponsoring entity accesses the instant invention web site via the Internet, logs in to the system and selects New Member registration from a Sponsor's menu."; page 8, section [0186], "The website of the instant invention offers an industry specific portal ... from the log in home page...", wherein, "INTERNET" is analogous to "DISTRIBUTED NETWORK" and a device in communication with the network is inherent in accessing the instant inventive web site via the Internet.);

identifying educational material to be delivered to the end-user (Figure 1 depicts the Employer identifying "CONTENT" to be delivered; Figure 8, wherein, "CREATE CONTENT" is analogous to "IDENTIFYING EDUCATIONAL MATERIAL"; Figure 15; page 4, section [0083], "FIG. 9 discloses processing associated with the invention's content editor."; and page 6, section [0130], "The CE Guidance Tool is ... to generating a list of appropriate content.");

querying a vendor for on-demand delivery of the educational material (Figure 14 depicts querying a vendor for "VIDEO ON DEMAND"; page 2, section [0038], "FIG. 14 is an illustration of a Video On Demand GUI Form as practiced in the invention preferred embodiment."; and Figure 15 depicts the delivery of educational material from the vendor, wherein "CE PROVIDERS" are analogous to "VENDORS");

receiving payment from the end-user for the educational material (page 3, section [0057], "A membership verification page is provided listing ...an overall price quote."; page 3, section [0058], "(if this method of payment is selected)."; Figure 12A discloses that the professionals "PAY TESTING FEE");

delivering the educational material to the end-user (Figure 12A, wherein, "PROVIDE LISTING & LINK" for "TAKING COURSES" is analogous to "DELIVERING THE EDUCATIONAL MATERIAL"; Figure 8 discloses that after content is created and approved, the material is added to the course list to be delivered to the end-user; pages 9-10, section [0213], "Virtual Private Network (VPN) ...allow the instant invention to customize content delivery for all levels of CE and distance learning products and services. VPN also allows the instant invention to provide access to resources securely

and expediently, and manage the data exchanges between instant invention partners such as regulatory agencies and professional organizations.”);

validating comprehension of the educational material by the end-user (page 9, sections [0196] – [0197], “When the customer selects “Proceed to Test”, the test associated with the video will be displayed. The rules for standard CE articles including testing, re-testing and application to transcript all apply here.”, wherein “TEST” is analogous to “VALIDATING COMPREHENSION OF EDUCATIONAL MATERIAL”);

and providing notification to the third-party of the delivery of the educational material to the end-user (Fig.13: paragraphs 0147-0152: if the transcript is updated with a list of courses completed per requiring entity and the number of hours credited that means that the student received the educational material needed to participate/take the course. As a result, any employer, agency or association can receive notification of this update).

*Abbott et al. does not disclose providing notification to a third-party of the comprehension of the educational material by the end-user.* However, Toshiya teaches providing notification to a third-party of the delivery of the educational material to the end-user and the comprehension of the educational material by the end-user (paragraphs 0008 & 0029: success-or-failure information). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include providing notification to a third party, as disclosed by Toshiya, incorporated into Abbott et al. so that third parties can be notified of the result of the passing status for various kinds of certifying examinations.

With respect to claim 2, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and wherein the training material comprises subject matter selected from the group consisting of ... medical...nursing...nursing home administration...and variations and combinations thereof (page 8, section [0189], "medical doctors are required to enter their Social Security number. This is the standard means of identifying doctors for CE purposes since their license numbers are privileged information."; page 9, section [0207], "healthcare professionals and record interviews with medical leaders and legends exclusive to our site. ... nurses who represent over 70% of the medical CE market and will include: ...how nursing care is managed; Skills Check, review or update on selected clinical and management skills; Issues, coverage of news items affecting nursing..." (from Abbott et al.).

With respect to claim 3, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and furthermore a method wherein the device is a computer (page 1, section [0011], "The functionality and benefits of the instant invention can be best be contemplated and appreciated as a means by which computer-based system") (from Abbott et al.).

With respect to claim 4, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and wherein the device is a wireless device (pages 5-6, section [0103], "Hours earned through wireless applications. These are credits earned through courses taken via satellite broadcast, radio or hand held devices and tests taken via the present invention.") (From Abbott et al.).

With respect to claim 6, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and wherein the distributed network is the internet (page 3, section [0049], "An authorized representative of a sponsoring entity accesses the instant invention web site via the Internet, logs in to the system and selects New Member registration from a Sponsor's menu."; page 8, section [0186], "The website of the instant invention offers an industry specific portal ... from the log in home page...", wherein, "INTERNET" is analogous to "DISTRIBUTED NETWORK" and a device in communication with the network is inherent in accessing the instant inventive web site via the Internet.) (From Abbott et al.).

With respect to claim 7, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and comprising issuing a certificate to indicate that the end-user as reviewed and understood the training material (Figure 15 discloses providing notification of comprehension; page 1, section [0015], "In brief, the invention's unique services allow ...approving their licensure or certification.", wherein "LICENSURE OR CERTIFICATION" are analogous to "NOTIFICATION OF COMPREHENSION") (from Abbott et al.).

With respect to claim 8, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and wherein the training material is delivered to the end-user in a computer readable multimedia format (page 5, section [0086], "Additional invention functionality provides for the support of external products such as PowerPoint and Voice Over, Video on Demand, Streaming Video and Video Conferencing capabilities. Other invention capabilities include loading html pages

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through the editor and animated images to create a greater sense of understanding for difficult topics ...and intended to provide an automated means of transferring CE credits earned online from an affiliate provider to the member's transcripts.", wherein, "POWERPOINT" is training material in a "COMPUTER READABLE MULTIMEDIA FORMAT") (from Abbott et al.).

With respect to claim 9, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and wherein the training material is delivered to the end-user in a streaming multimedia format (page 5, section [0086], "Additional invention functionality provides for the support of external products such as ... Streaming Video and Video Conferencing capabilities.") (From Abbott et al.).

With respect to claims 10-12, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and wherein the training material is delivered to the end-user in a streaming multimedia format the training material comprises audio and video. (page 5, section [0086], "Additional invention functionality provides for the support of external products such as PowerPoint and Voice Over, Video on Demand, Streaming Video and Video Conferencing capabilities."; and page 9, section [0192], "Video on Demand is a form of CE content and is available to the invention's customers in the Continuing Education Articles section of the site...All videos will be generated and viewed using Windows Media Player. "; page 9, section [0193], "Upon selecting a CE content that is in a video format, a static page will be generated as illustrated in FIG. 14.", wherein "VIDEO ON DEMAND" and "VIDEO CONFERENCING CAPABILITIES" inherently possess "AUDIO AND VIDEO") (From Abbott et al.).



With respect to claim 13, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and wherein the training material comprises interactive multimedia (abstract, "A comprehensive system ... comprising interactive processing components to facilitate web-based CE tracking and reporting ...."; page 5, section [0085], "Other invention capabilities include loading html pages through the editor and animated images to create a greater sense of understanding for difficult topics (i.e.: circulatory system of the heart).", wherein the "ANIMATED IMAGES" are analogous to "INTERACTIVE COMPONENTS") (from Abbott et al.).

With respect to claim 14, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 1 and comprising storing the educations status and/or educational history of the end-user (page 7, section [0154], "The invention Resume Tool will essentially be a "wizard" application that collects information from the member, generates an HTML document and stores that document in the member's profile."; sections [0155]-[162], "All resumes will contain the "standard" information one expects to see on a resume, divided into the appropriate sections. The data to be collected will include... Educational History... This will include universities attended, degrees earned and dates.") (From Abbott et al.).

With respect to claim 15, Abbott et al., as modified by Toshiya, discloses the reasons set forth hereinabove for claim 14 and comprising sending a notification to the end-user to indicate that training must be performed (page 7, sections [0147]-[0152], "An automated process will be developed to provide each member with an e-mail notification of the status of their "to do" list on a monthly basis. This reminder will

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include: Number of hours required by an entity. A list of the courses completed per requiring entity and the number of hours credited. A list of the courses remaining on their list and the number of hours that would be earned. This reminder e-mail is generated whenever the member's transcript is updated. If any employer, agency or association has indicated that it wishes similar notification of the member's progress, an e-mail will also be generated for that entity. This e-mail will only include information pertinent to that entity. ", wherein the "REMINDER PROCESSING OF THE TO DO LIST PAGE" is analogous to "SENDING NOTIFICATION...THAT TRAINING MUST BE PERFORMED") (from Abbott et al.).

The subject matter of claim 16 is rejected on the grounds corresponding to the reasons given above for claims 1, 14 and 15 and furthermore Abbott discloses a method comprising:

querying the database to identify an end-user that must perform training (page 3, section [0044], " The present invention's primary relationship with employers is to provide web-based tracking and reporting of CE courses and credits for individual professionals within their employ via a computer compatible network. In some cases, employers will enter into this relationship with the present invention in order to aid in the maintenance of their own accreditation. Hospitals, for example, are audited by their accrediting agencies for compliance of their professional employees with individual certification requirements. " page 10, sections [0216]-[0217], " Automated e-Licensure/e-Certification Renewal. The instant invention provides an online processing component to track this process and is a central repository for paperless tracking and

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reporting of continued competency credits. ... This service is... to automatically renew professional licenses.”, wherein “WEB-BASED TRACKING AND REPORTING” is analogous to “QUERYING THE DATABASE TO IDENTIFY...”).

**3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al./Toshiya and further in view of Mcilwaine et al. (U.S. Publication Number 2005/0175971 A1).**

Claim 5 is rejected for the reasons set forth hereinabove for claim 1. *The combination of Abbott et al./Toshiya fail to disclose a method wherein the device is a telephone.* However, Mcilwaine discloses a call center including a telephone in communication with a distributed network (Mcilwaine, Figure 1; and page 1, section [0002], “a system...to service telephone calls to or from the customers or other constituents of an organization.”).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a method wherein the device is a telephone as disclosed by Mcilwaine into the method for a device in communication with a distributed network as disclosed by Abbott et al./Toshiya to provide relevant database information, such as the account file...across a local area network (“LAN”) or other communications network (page 1, section [0003]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

### ***Response to Arguments***

4. Applicant's arguments 7/25/2006 in regards to “validating” comprehension of the education material by the end user have been fully considered but they are not

persuasive. In the paragraphs cited (0196 & 0197) in Abbott et al. discloses this feature: "validating" comprehension of the education material by the end user, which means that the customer has taking the test, and was successful. As a result of a "successful" test, the user has proven their validity of the material.

5. Applicant's arguments, see Remarks, in regards to providing notification to a third-party of (b) the comprehension of the education material to the end-user, filed 7/25/2006, with respect to the rejection(s) of claim(s) 1-16 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Toshiya.

***Citation of Pertinent Prior Art***

Aggarwal et al. (U.S. Patent Number 6,381,444) teaches a virtual class and distance education via a computer network.

Bobrow et al. (U.S. Patent Number 6,178,308) teaches a system and method for providing interactive computer assisted teaching.

Pfund (U.S. Publication Number 2003/0232315) teaches a module-based education that contains notification.

Synder et al. (U.S. Publication Number 2004/0115596) teaches a system for scheduling classes and managing educational resources.

Womble et al. (U.S. Patent Number 6,988,239) teaches methods and an apparatus for preparation and administration of training courses.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm, Thu. 7-4pm & Fri. 7-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyf  
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